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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,145	04/27/2001	Salil Pradhan	30014343 US	7305

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FORT COLLINS, CO 80527-2400

EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,145	Applicant(s) PRADHAN ET AL.	
	Examiner Allan Hoosain	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-14,20-22 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-14,20-22 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/05</u> . | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5,7-8,11-14,20-22,25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rautila et al.** (US 6,549,625).

As to Claims 1,27-30, with respect to Figures 1-4, **Rautila** teaches a method of advertising comprising:

broadcasting an advertisement via a short range link from an advertiser telecommunications device, 14, (Figure 1, labels 12,14);

receiving the broadcast advertisement on a consumer telecommunications device, 12, (Figure 1, label 12);

replying to the advertisement by sending a SMS message (reply message) from the consumer device to a broker device, 26 (Figure 1, label 26 and Col. 7, lines 1-10);

changing the SMS message to an acknowledgment message (reply) at the broker device (Col. 7, lines 1-10);

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communicating the acknowledgment (changed reply) from the broker device to the advertiser device (Col. 7, lines 1-10).

As to Claim 2, **Rautila** teaches a method according to claim 1 in which the advertisement is broadcast to a man portable consumer device (Figure 1, label 12).

As to Claim 3, **Rautila** teaches a method according to claim 2 in which the consumer telecommunications device is a hand-holdable portable and pocketable device (Figure 2).

As to Claim 4, **Rautila** teaches a method according to claim 1 in which the advertisement is broadcast from a man portable advertiser device (Figure 1, label 14).

As to Claim 5, **Rautila** teaches a method according to claim 4 in which the advertiser device is a hand-holdable portable device (Figure 1, label 14).

As to Claim 7, **Rautila** teaches a method according to claim 1 in which the advertiser device does not include its own telecommunications address in its broadcast advertisement (Figure 3 and Col. 6, lines 48-60 and Col. 8, lines 63-67).

As to Claim 8, **Rautila** teaches a method according to claim 7 further including the step of including the telecommunications address of the broker device in the advertisement (Col. 7, lines 12-22).

As to Claim 11, **Rautila** teaches a method according to claim 1 in which the consumer device replies to an advertisement via long range telecommunications (Figure 1, label 42).

As to Claims 12-13, **Rautila** teaches a method according to claim 1 comprising sending information sources (a first part of an advertisement via the short range telecommunications), and advertisement information (a second, longer or larger part of the advertisement via short range telecommunications), the second part of the advertisement being transmitted after the consumer device has screened the first part of the advertisement and communicated with the advertisement broker device (Col. 6, line 60 through Col. 7, line 10).

As to Claim 14, **Rautila** teaches a method according to claim 1 comprising using a mobile telephone, personal digital assistant, or other small portable electronic devices for both the advertiser device and the consumer device, the advertiser and consumer devices both having both piconet short range and long range telecommunication capabilities (Col. 6, lines 23-47).

As to Claims 20-22,25, with respect to Figures 1-4, **Rautila** teaches a server with database 26 (server) adapted to act as an advertisement broker device adapted to receive an SMS message (one of (i) an advertisement message or (ii) a reply message to an advertisement) and to forward the received message to a mobile terminal (remote telecommunications device) (Col. 10, lines 1-8 and 55-64);

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the server being adapted to validate the user (modify the received message) so as to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server (Col. 9, lines 15-20, Col. 10, lines 1-8).

As to Claim 26, **Rautila** teaches the network of claim 22 wherein each the telecommunication devices includes a hybrid telephone (Col. 8, lines 49-52).

As to Claim 31, **Rautila** teaches a method according to claim 1, wherein the broker device changes the message sent by the consumer device by augmenting the message sent by the consumer device to enable modification of any follow-up message sent by the advertiser device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rautila** in view of **Slettengren et al.** (US 2002/0028674).

As to Claims 9-10, **Rautila** teaches a method according to claim 1 further including the step of:

Rautila does not teach the following limitation:

“including one or more advertisement classification codes in the advertisement broadcast by the advertiser device, and comparing the one or more advertising classification codes with allowable advertisement codes in an advertisement screening operation by the consumer device”

However, it is obvious that **Rautila** suggests the limitation. This is because **Rautila** teaches permitting a user to pick and choose between different received information in particular broadcast areas (Col. 9, lines 15-20). **Slettengren** teaches a mobile devices which compares received information in particular politeness zones (broadcast areas) (P0031-P0035 and P0056-P0057). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add allowable advertisement capability to **Rautila**'s invention for alerting a user of particular information as taught by **Slettengren**'s invention in order to allow a user to choose how to respond to different information.

Response to Arguments

3. Applicant's arguments filed in the 3/3/05 Remarks have been fully considered but they are not persuasive because of the following:

With respect to Claim 6, Examiner is also confused with what Applicants are trying to claim because of all the 'ORs' in the claim. In addition, the claims do not recite 'modifying a message sent by the consumer device to the advertiser device' nor does the disclosure help in identifying master advertising device and proxy. The passage cited for Claim 6 teaches receiving a response from the consumer device by the broker device and the broker device informing the advertising device that it is ok for the consumer device to receive services from location based devices.

With respect to Claims 4-5, the transceiver 14 is part of the broadcast location 16 which can be physically moved (Col. 8, lines 18-24). The claim recites 'a man portable advertiser device'. Transceiver 14, as part of movable location 16 and associated with a broadcast information source (advertiser), is a man portable advertiser device. In addition, the broadcast location is a PC and someone's hands have to be used for moving it. Therefore, it is a hand-hold-able portable device.

With respect to Claim 7, the identification data is with respect to the information sought by the user (see also Col. 8, lines 63-67).

With respect to Claims 12-13, the first part of the advertisement is sent on short range link 24. The acknowledgement of payment for the advertised service (larger or longer part of the advertisement) is sent on short range link 27' to the user. It is larger or longer because it includes the acknowledgment.

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With respect to Claims 20-22, Examiner identified validation of the user as the claimed modification. In addition, the display of the information and the user selection is the claimed trigger (see the cited passages in the instant rejections).

With respect to Claims 9-10, Examiner respectfully believes that Slettengren teaches the identified limitation and the combination with Rautilla was proper.

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mohindra et al. (US 6,816,881) teach inter-application communication between wireless devices.

Shteyn et al. (US 6,782,253) teach transmitting short-range signals to mobile devices.

Hiltunen et al. (US 6,754,484) teach sending short messages to mobile units in a given region.

Hild et al. (US 6,532,368) teach sending advertisements to devices in a communicating network.

Calvert (US 6,526,275) teaches informing users of mobile devices where to receive services.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)

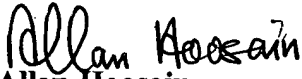
Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Allan Hoosain
Primary Examiner
7/7/05